

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SHELIA POWELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:20-cv-02856-JTF-atc
)	
BAPTIST MEMORIAL HOSPITAL,)	
ET AL.,)	
)	
Defendants.)	

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION TO GRANT DEFENDANTS' PARTIAL MOTION TO DISMISS**

On November 20, 2020, Plaintiff filed a *pro se* Complaint against Defendants alleging racial discrimination and retaliation under Title VII. (ECF No. 1.) On July 8, 2021, Defendants filed a Partial Motion to Dismiss. (ECF Nos. 15 & 16.) After *pro se* Plaintiff failed to respond to the Motion by her deadline to do so, the Court entered an Order to Show Cause on August 26, 2021. (ECF No. 27.) On September 7, 2021, Plaintiff filed her Response to the Order. (ECF No. 30.) Three days later, on September 10, 2021, Plaintiff filed her Response to the Motion. (ECF No. 32.) On January 13, 2022, the Magistrate Judge issued a Report and Recommendation, which recommended that Defendants' Partial Motion to Dismiss be granted. (*See* ECF No. 41.) Plaintiff did not file any objections to the Report. For the following reasons, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **GRANTS** Defendants' Partial Motion to Dismiss.

I. FINDINGS OF FACT

In the Report and Recommendation, the Magistrate Judge provides, and this Court adopts and incorporates the proposed findings of fact in this case. (ECF No. 41, 2-3.) As noted, Plaintiff failed to file any objections to the Report.

II. LEGAL STANDARD

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted.) Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Bd. of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at *3 (W.D. Tenn. Mar. 11, 2015).

Usually, district court must review dispositive motions under the *de novo* standard. However, a district court is not required to review “a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). A district judge should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

The Court has reviewed the record in this case, including the Complaint, Defendants’ Partial Motion to Dismiss, Plaintiff’s Response, Defendants’ Reply, and the Report and Recommendation. (ECF Nos. 1, 15, 16, 32, 34 & 41.) As noted above, Plaintiff failed to file any objections to the Report, and the time to do so has expired. Therefore, after a full *de novo* review of the Magistrate Judge’s Report and Recommendation, including the “Proposed Findings of Fact” and the “Proposed Conclusions of Law”, the Court **ADOPTS** the Magistrate Judge’s Recommendation that Defendants’ Partial Motion to Dismiss be **GRANTED**. Accordingly, Plaintiff’s retaliation claims and claims against Defendant Etter are **DISMISSED**.

IT IS SO ORDERED, this 17th day of March 2022.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge